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July 23, 2013

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue Northwest
Washington, D.C. 20530

Dear Attorney General Holder:

Your recent comments attacking the right to self-defense are highly disturbing and present constitutional concerns. Self-defense has long been an acceptable defense under criminal law; indeed, self-defense is a firmly established right. "Stand Your Ground Laws" exist in more than thirty states, and essentially expand the common law right of individuals to defend themselves. In light of your comments, I write to seek answers as to whether or not the Administration intends to override state criminal law with federal action, and to clarify if you believe self-defense is accompanied by a requirement to retreat.

The doctrine of self-defense has been incorporated in most state criminal statutes. It is an age-old principle stemming from English common law. As you are aware, self-defense arises when a victim uses force against an attacker, and it permits a victim to use the amount of force reasonably necessary. Stand Your Ground laws provide victims of crime with statutory protection to use deadly force when they reasonably believe that a criminal intends to inflict serious bodily harm or commit homicide.

The right to self-defense provides Americans with the ability to defend themselves in their homes, businesses, or anywhere against an intruder, with the knowledge that victims will not be tried for defending themselves. Many times, victims have mere moments to decide if an intruder intends to seriously harm them, their family, or their property and must react immediately. Self-defense laws restate the right, allowing a victim to act knowing that they will not be prosecuted with a crime against an intruder.

Should your Administration attempt to influence the repeal or re-visitation of state self-defense or Stand Your Ground laws, I would have several constitutional concerns. Any unilateral administrative action that would impede state criminal statutes at the national level would be unconstitutional. You have recently claimed that there is a duty to retreat, but this is a relatively new concept which would be better called a duty to live in fear. Questioning principles like self-defense will not go unnoticed. It is my sincere hope that the Department of Justice does not

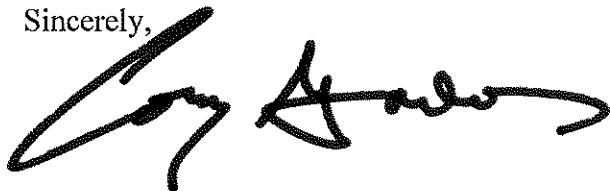
intend to circumvent Congress and move forward with administration action that undermines self-defense protections.

Due to these concerns, I ask that you respond to the following:

- 1.) What justification is there for your recent comment, "the common sense and age-old requirement that people who feel threatened have a duty to retreat, outside their home, if they can do so safely"?
- 2.) Please explain how self-defense laws jeopardize the public's safety.
- 3.) What are the potential actions the Department of Justice may take with regard to self-defense laws?
- 4.) Do you oppose the ability of individuals to protect themselves?

Thank you for your attention to this important matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Gardner", with a long, sweeping horizontal stroke at the end.

Cory Gardner
Member of Congress